

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE

UNITED STATES OF AMERICA <u>ex rel.</u>	)	
CARLA MARTIN,	)	
	)	
Plaintiffs,	)	Civil Act. No. 98-2120-M/L (Under Seal)
	)	
v.	)	
	)	
LINCARE HOLDINGS, INC.; SAM	)	<b><u>FILED UNDER SEAL</u></b>
OWEN; LINDA WAGES AND	)	
DOES 1-100;	)	
	)	
Defendants.	)	
	)	

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**UNITED STATES' NOTICE OF ELECTION TO  
INTERVENE IN PART AND DECLINE IN PART**

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Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(2) and (4), the United States notifies the Court of its election to partially intervene in this action for purposes of settlement, and to decline to intervene in the remainder of the action. The United States intervenes in that part of the action which alleges that defendant Lincare Holdings, Inc. (“Lincare”) submitted claims for payment for oxygen services to Medicare that were false because they were based on qualifying tests performed by Lincare employees in violation of Medicare regulations, as set forth in paragraph 19.A. of relator’s complaint. The United States declines to intervene in the remainder of this action.

With this notice, the United States is also filing a stipulation of partial dismissal, together with relator, and an accompanying order dismissing this action in part, and providing for the

lifting of the seal.

Respectfully Submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was served by U.S. mail, postage prepaid on May 19, 2006 on the following counsel:

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